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AUG 27 2019

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

CLERK, U.S. DISTRICT COURT
ST. PAUL, MN

UNITED STATES OF AMERICA :

v. : Criminal No. 0-cr-19-101

Aaron Broussard, : Honorable Judge Nelson

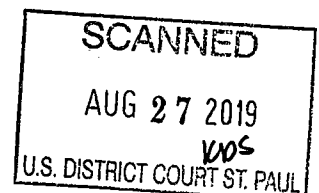
Defendant. :

MOTION FOR DISMISSAL OF MULTIPLE COUNTS

AND NOW, comes the Defendant, Aaron Broussard, by and through pro se pursuant to Faretta v. California, 422 U.S. 806 (1975), do hereby submit the "Motion for Dismissal of Multiple Counts" and in support of same do aver and therefore state the following:

1. The defendant was indicted April 10, 2019. Counts 2-15 of the indictment alleges: knowing and intentional importation of fentanyl (count 2); knowing and intentional possession of fentanyl (count 3); knowing and intentional distributions of fentanyl, which resulted in death or serious bodily injury. In violation of Title 21, United States Code, statutes 841 (a)(1) & 841 (b)(1)(C) (counts 4-15).
2. The indictment's omission of essential elements & provisions warrants a dismissal, United States v. Hooker, 841 F.2d 1225, 1226-27 (4th Cir. 1988). Though the indictment's defects aren't as immediate as in the cited case above, the context of the alleged conduct creates additional elements to the alleged violation.
3. It's alleged a suspected controlled substance analogue was the intended item of distribution, not fentanyl (a Schedule II Controlled Substance). But the indictment in regards to counts 2-15, fails to state a violation of the Analogue Act (collectively statutes 813 & 802(32)(A)), McFadden v. United States, 135 S. CT. 2298.
4. Suspected controlled substances analogues aren't themselves controlled substances, statute 802(32)(C)(i). It's technically improbable to fulfill the essential elements of the violations, in relation to the allegation.
5. In reference to the allegations, the Government has failed to acquire the Grand Jury's consideration and determination that all necessary elements were fulfilled, in respect of the 5th Amendment.

WHEREFORE, due to the above, Mr. Broussard, respectfully requests that this Honorable



Court grant Mr. Broussard, "Motion for Dismissal of Multiple Counts".

Respectfully Submitted:

A handwritten signature in black ink, appearing to read 'A. Broussard', written over a horizontal line.

Aaron Broussard, pro se

Lackawanna County Prison

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Scranton, PA 18509